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MAJORITY WHIP

Judicial Proceedings Committee

Joint Committee on
Cybersecurity, Information Technology,
and Biotechnology

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THE SENATE OF MARYLAND
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February 20, 2020

Senate Judicial Proceedings Committee

Senate Bill 595 – Protective Order - Rescission

The need for Senate Bill 595 was brought to my attention by Laure Ruth from the Women's Law Center early in session. This legislation aims to prevent the misuse of our current law through some discretion of the courts to deny a request without requiring a hearing when appropriate.

If you have questions about the specific process please ask the practitioners, but put simply, the procedure of rescission is available for the respondent of a protective order along with a modification motion. If notice is provided to the petitioner, a hearing is granted. The courts currently do not deny the hearing, even if there is no basis for the rescission request.

This is a small alteration to the code to prevent some scenarios that the Women's Law Center will bring to your attention. Courts may still hold a hearing under the proposed change. Petitioners filing to rescind must articulate their reasons for the request with particularity. The goal is to avoid re-traumatization from being in a room with your abuser and the expense associated with missing work and finding child care for frivolous legal hooks when there is no basis for the request to rescind.

Sometimes we try to take discretion away from the courts, this bill does the opposite, it simply empowers the courts to deny the request without a hearing.

For these reasons I respectfully request a favorable report on SB 595.